IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 596 OF 2005

Mr. Dushyant Dave ...Petitioner

Versus

Mrs. Pragna R. Shah & Anr ...Respondents

ALONGWITH
CRIMINAL WRIT PETITION NO. 597 OF 2005

Mr. Dushyant Dave ...Petitioner

Versus

Mrs. Preeti Paras Shah & Anr ...Respondents

.....

Mr.G.R. Sharma i/b Mr. Girish Kulkarni, Advocate for Petitioner

Ms. S.V. Gajare, A.P.P. in WP No.596/05.
Mr. R.S. Khadapkar, A.P.P. in WP No.597/05.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 24TH AUGUST, 2005

P. C.:-

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.

2. The petitioner has prayed for quashing of process issued against him in Criminal Case Nos.3191/S/2002 and 3192/S/2002 which are pending in the Court of learned Metropolitan Magistrate, 23rd Court, Esplanade, Mumbai. In the said case, process has been issued against the petitioner under Sections 138 r.w. 141 and 142 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The learned advocate for the petitioner states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ Petitions are disposed of.

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